

EXHIBIT 13

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IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

RENALDO NAVARRO,

Plaintiff,

v. No. 3:19-CV-8157

MENZIES AVIATION, INC.,
doing business as MENZIES
and DOES 1 through 10,
inclusive,

Defendants.

_____ /

Zoom Remote Deposition of

JOHN QUALLY

Monday, July 27, 2020

Volume I

(Pages 1 through 32)

CERTIFIED COPY

REPORTED BY: CINDY TUGAW, CSR #4805

NOGARA REPORTING SERVICE
5 Third Street, Suite 415
San Francisco, California 94103
(415) 398-1889

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I N D E X

Page Number

EXAMINATION BY MR. URIARTE 4

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E X H I B I T S

Plaintiff's

Exhibit 1	Plaintiff Renaldo Navarro's Notice of Deposition of John Qually	9
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Exhibit 2	Missed Punch Form	28
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1 BE IT REMEMBERED that, pursuant to Notice of
2 Taking Deposition and on Monday, the 27th day of July,
3 2020, commencing at the hour of 8:58 o'clock a.m.

4 thereof, via Zoom videoconference, before me, CINDY
5 TUGAW, a Certified Shorthand Reporter in the State of
6 California, personally appeared,

7 JOHN QUALLY,

8 Called as a witness by the Plaintiff, having been by me
9 first duly sworn, was examined and testified as
10 hereinafter set forth.

11 ---o0o---

12 APPEARANCES OF COUNSEL

13 For the Plaintiff

LIBERATION LAW GROUP, P.C.

14 2760 Mission Street

San Francisco, California 94110

15 BY: ARLO GARCIA URIARTE, Attorney at Law

(415) 695-1000

16
17 For the Defendants

FOLEY & LARDNER, LLP

18 555 California Street, Suite 1700

San Francisco, California 94104

19 BY: JASON Y. WU, Attorney at Law

(415) 984-9848

20 Also Present: David Ho, Zoom Host.

21 ---o0o---

1 THE REPORTER: At this time, I will ask counsel to
2 stipulate on the record that there is no objection to
3 this deposition officer administering a binding oath to
4 the witness via Zoom, starting with the noticing
5 attorney.

6 MR. URIARTE: So stipulated.

7 THE REPORTER: Mr. Wu?

8 MR. WU: So stipulated on behalf of defendant,
9 Menzies Aviation.

10 EXAMINATION BY MR. URIARTE

11 MR. URIARTE: Q. Good morning, Mr. Qually. My
12 name is Arlo Uriarte. I am attorney for Renaldo
13 Navarro. Do you understand that?

14 A. Yes.

15 Q. And you are aware that Mr. Navarro has an
16 action against Menzies for his termination?

17 A. I heard, yes.

18 Q. And you know that you are here for your
19 deposition as a witness?

20 A. Yes.

21 MR. URIARTE: David, can we have Exhibit 1 brought
22 up, please.

23 ZOOM HOST: Give me one second. I'm bringing it
24 up right now. Hold on.

25 MR. URIARTE: Okay.

1 Q. Okay. All right. So let's see. So you
2 said -- when you started with ASIG -- and is that the
3 right way to call it, ASIG, by the way, A-S-I-G, ASIG?
4 Do you guys say that, ASIG?

5 A. Yes.

6 Q. When you started with ASIG, what was your
7 position with them?

8 A. Supervisor.

9 Q. Can you tell me what the duties of a
10 supervisor would be?

11 A. The duties are basically overseeing of the --
12 overseeing and assigning the flights to the fuelers and
13 making communication with the airlines on -- as we go
14 through the day.

15 Q. And by 2018, how many fuelers were assigned to
16 a supervisor? Do you remember?

17 A. It could -- I guess it varies by shift.

18 Q. I see. What would be the range, like would
19 you say between three and ten, or was there like a
20 range?

21 A. I guess it depends on the shift. Some shifts
22 had upwards of 12 to 15. Some shifts had anywhere from
23 three to four.

24 Q. Gotcha. And the interesting -- or the date
25 most interesting for us is August of 2018 because

1 A. Yeah.

2 Q. What was the next?

3 A. Ramp service.

4 Q. Lead ramp services. Okay. And how long were
5 you with United?

6 A. Eight and a half years.

7 Q. So when did you become a duty manager for ASIG
8 or Menzies?

9 A. It was back -- honestly, I don't remember the
10 exact date, but it's been -- I've been a duty manager
11 for roughly four years.

12 Q. Four years now?

13 A. Yeah.

14 Q. Okay. So like 2016, around that time?

15 A. Around that time.

16 Q. Were you a duty manager by the time Menzies
17 came in?

18 A. Around that time, yes.

19 Q. Like close, yeah. I guess the key question is
20 when Menzies took over ASIG, were you already a duty
21 manager or you became a duty manager after Menzies came
22 in?

23 A. I was already.

24 Q. Okay. Gotcha. All right.

25 So we were talking about the role of

1 supervisors with regards to how they work with fuelers,
2 right? You said earlier that you would -- one of the
3 duties would be to assign flights to the fuelers for
4 the shift, right?

5 A. Yes.

6 Q. That's one of the duties. What other duties
7 do supervisors have?

8 A. They -- besides assigning the flights, they
9 are obviously in communication with airlines as needed.
10 They're overseeing the safety of the operation, making
11 sure that, you know, everything is going safely.

12 Q. Okay. So is it the supervisor that's actually
13 on the headphone with the plane during the fueling
14 operation, or with the airline?

15 A. No.

16 Q. No? That could be any of the fuelers?

17 A. Well, the fuelers don't communicate with the
18 flight crew. They communicate with the airline
19 representative.

20 Q. Gotcha. Okay. And who is that? Is that the
21 fueller or is that the supervisor?

22 A. Sometimes both. But, in general, when you're
23 actually fueling, it would be more so the fueller than
24 the supervisor.

25 Q. Okay. Are supervisors sometimes -- like do

1 A. Yes.

2 Q. Okay. And then what other duties do
3 supervisors have with regards to the fuelers?

4 A. Basically, you know, for operational purposes,
5 it's making sure that the flights are getting done, the
6 fuelers are getting to the flights when they're
7 supposed to, you know, addressing whatever issues may
8 come up.

9 Q. What about giving breaks, for example, like
10 timing the breaks, when people can go for meal periods,
11 when people can go for their ten-minute breaks, is that
12 the supervisor's duties?

13 A. Yes.

14 MR. WU: Objection. Relevance.

15 MR. URIARTE: Q. And then what about clocking in
16 and clocking out, do the supervisors have any duties
17 with regards to that?

18 MR. WU: Same objection.

19 THE WITNESS: No.

20 MR. URIARTE: Q. Like if there are issues with
21 regards to they forgot to clock out or, oh, they forgot
22 to clock in, something like that, is that the
23 supervisor's duty or is that somebody else's?

24 MR. WU: Same objection.

25 MR. URIARTE: Q. Mr. Qually?

1 supervisor, is that correct?

2 A. I had no -- that would be my guess. I don't
3 know -- I don't have any knowledge on where he started,
4 but that's my understanding.

5 MR. WU: I don't want you to guess.

6 MR. URIARTE: Q. Yeah, no guessing.

7 I guess what I was leading to was whether you
8 had any part in recommending or having Mr. Navarro be
9 promoted from fueler to supervisor. Do you remember
10 anything like that?

11 A. No.

12 Q. So you weren't part of that process at all?

13 A. No.

14 Q. Did you and Mr. Navarro get along at all? Was
15 your relationship cordial or was it combative? How
16 would you characterize your relationship with Mr.
17 Navarro?

18 A. Working relationship was okay. No, you know,
19 just -- it was okay.

20 Q. Did Mr. Navarro ever bring up any complaints
21 to you?

22 A. From time to time, yes.

23 Q. And what would be the nature of those
24 complaints?

25 A. Varies. Could be airline issue, staffing

1 issue. It just depends on the day and what he felt to
2 complain about.

3 Q. And before his termination, did he ever bring
4 up complaints against Andrew Dodge to you?

5 A. Yes.

6 Q. And what was the nature of those complaints?

7 A. It wasn't many. Let's see if I can remember,
8 because it's been a while. But there was probably
9 one -- I can remember at least one where Andrew might
10 have been caught seen sleeping on the job.

11 Q. And he brought that up to you?

12 A. Yes.

13 Q. So was Andrew also a graveyard shift
14 supervisor?

15 A. Yes. At that time.

16 Q. Okay. So you're coming in to work, and Mr.
17 Navarro is mentioning to you that maybe Andrew Dodge
18 was sleeping on the job. And so what would you, as a
19 duty manager, do about that?

20 A. Well, there were different shifts, so they
21 weren't working together.

22 Q. Okay.

23 A. So when the complaints came, I addressed the
24 complaints with Andrew.

25 Q. Okay.

1 A. And it was brought up to the higher-ups.

2 Q. And who were the higher-ups at that time?

3 A. Let's see. Who was it? Renil was one of
4 them.

5 Q. Who?

6 A. Renil Lal. Because he was the acting GM at
7 the time, so --

8 Q. Okay. Anybody else, do you remember?

9 A. No.

10 Q. Did anything happen because of the complaints
11 that Andrew Dodge was sleeping? Do you know what
12 happened to Andrew Dodge? Was he reprimanded? Was he
13 written up?

14 Did anything happen because of that?

15 A. Not that I know of.

16 Q. Did Mr. Dodge explain to you what happened or
17 did he admit it or anything like that?

18 A. He did. He had sleep depravation -- or sleep
19 apnea, sorry.

20 Q. So he had sleep apnea, and so --

21 A. According to what I heard, what the
22 explanation was, at times it's easy for a person to
23 fall asleep.

24 Q. Aside from his -- aside from Mr. Navarro
25 mentioning that Mr. Dodge was sleeping, any other

CERTIFICATE OF WITNESS

---o0o---

I, JOHN QUALLY, hereby declare under
penalty of perjury that I have read the foregoing
deposition testimony; and that the same is a true
and correct transcription of my said testimony
except as corrected pursuant to my rights under
Rule 30(e) of the Federal Rules of Civil
Procedure.

Signature

Date

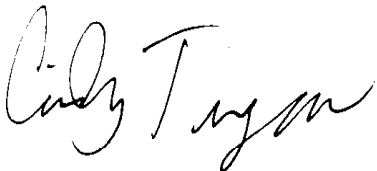
1 STATE OF CALIFORNIA)
2)
3 COUNTY OF SAN FRANCISCO)

4 I, CINDY TUGAW, a Certified Shorthand Reporter
5 of the State of California, duly authorized to
6 administer oaths pursuant to Section 8211 of the
7 California Code of Civil Procedure, do hereby certify
8 that

9 JOHN QUALLY,
10 the witness in the foregoing deposition, was by me duly
11 sworn to testify the truth, the whole truth and nothing
12 but the truth in the within-entitled cause; that said
13 testimony of said witness was reported by me, a
14 disinterested person, and was thereafter transcribed
15 under my direction into typewriting and is a true and
16 correct transcription of said proceedings.

17 I further certify that I am not of counsel or
18 attorney for either or any of the parties in the
19 foregoing deposition and caption named, nor in any way
20 interested in the outcome of the cause named in said
21 caption.

22 Dated the 7th day of August, 2020.

23 
24 CINDY TUGAW
25 CSR No. 4805 (California)

1 John Qually
2 c/o Foley & Lardner
3 555 California Street, Suite 1700
4 San Francisco, CA 94104
5 Attn: Jason Y. Wu, Esq.

6 Date: August 7th, 2020
7 Re: Navarro vs. Menzies
8 Deposition Date: Monday, July 27, 2020

9 Dear Mr. Qually,

10 Please be advised the original transcript of
11 your deposition is ready for your review.

12 Pursuant to FRCP Rule 30(e), you have
13 30 days following the date of this notice to read,
14 correct if necessary, and sign your transcript unless
15 the attending parties and the deponent agree on the
16 record or otherwise in writing to a longer or shorter
17 time period. The deponent may change the form or the
18 substance of the answer to a question, and may either
19 approve the transcript of the deposition by signing it,
20 or refuse to approve the transcript by not signing it.
21 You are not required by law to read and sign your
22 deposition transcript. All parties will be informed of
23 the corrections. The original transcript will then be
24 sealed and sent to the examining attorney pursuant to
25 the applicable law.

You may either come to our office to read and
sign the original transcript, or you may contact your
attorney or the attorney who arranged for you to be
present at your deposition. If they have ordered a
copy of the transcript, you may review their copy and
make corrections by submitting, signing and returning
the attached form. If you choose to review your
transcript at our office, please call first to make an
appointment. Should you have any question regarding
these instructions, please call.

Sincerely,

NOGARA REPORTING SERVICE
5 Third Street, Suite 415
San Francisco, California 94103
(415) 398-1889

cc: All counsel, original deposition